

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 26.10.2018]

[Pronounced on : 02.11.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.266 of 2011

Periyanayagam ... Appellant/Sole Accused

Vs

State,
Inspector of Police,
Kurusilapet Police Station,
Crime No.234 of 2008
Vellore District. Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 (2) of Cr.P.C. against the judgment passed in S.C.No.26 of 2010 by the learned Additional District and Sessions Judge, Thirupathur, Vellore, dated 08.03.2011 convicting him under Section 376 (2) (f) IPC and sentenced to undergo 10 years Rigorous Imprisonment also imposed fine of Rs.1000/- in default to undergo six months simple imprisonment and further he was convicted under Section 368 IPC and sentenced to undergo three years rigorous imprisonment and also imposed fine of Rs.1000/- in default to undergo three months simple imprisonment and the sentences were ordered to run concurrently.

For Appellant : Mr.M.G.Udayashankar
for Mrs.S.Shanthakumari
For Respondent : Mrs.V.Saratha Devi
Government Advocate (Crl.Side)

ORDER

The convicted sole accused is the appellant herein. This Criminal Appeal is directed against the judgment dated 08.03.2011 passed by the learned Additional District and Sessions Judge, Thirupathur, Vellore, in S.C.No.26 of 2010, convicting him under Section 376 (2) (f) IPC and sentenced to

undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo six months simple imprisonment and further convicting him under Section 368 IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo three months simple imprisonment and both the sentences were ordered to run concurrently.

2. Learned counsel appearing for the appellant/accused would contend that the trial Court has not considered the evidence in a proper perspective and hence, the order of conviction passed by the trial Court is erroneous in law and prayed for acquittal of the appellant herein/accused.

3. Learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the appellant herein/accused has already undergone the sentence imposed by the trial Court and she has also produced a letter sent by the Jail Superintendent, Central Prison, Vellore, vide Letter No.Thu.Ku.4/698/2018, dated 27.10.2018 stating that the convicted accused in S.C.No.26 of 2010 in respect of Crime No.234 of 2008 viz., the appellant herein was in jail between 02.10.2008 and 08.03.2011 as under trial prisoner and after passing the order of conviction on 08.03.2011, he was under imprisonment as a convict and by exercising the power under Rule 580 of the Tamil Nadu Prison Manual, he was given remission and thereupon, he was released from the jail on 29.11.2016. The said letter of the Tamil Nadu prison Department is hereby recorded.

4. In view of the fact that the convicted sole accused in S.C.No.26 of 2010/appellant herein has already undergone the sentence, nothing survives to be adjudicated in this appeal and hence, recording the said submission made by the learned Government Advocate, this Criminal Appeal is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Additional District and Sessions Judge,
Thirupathur, Vellore.

2.The Inspector of Police,
Kurusilapet Police Station,
Vellore District.

3.The Judicial Magistrate No.3
Thirupathur.

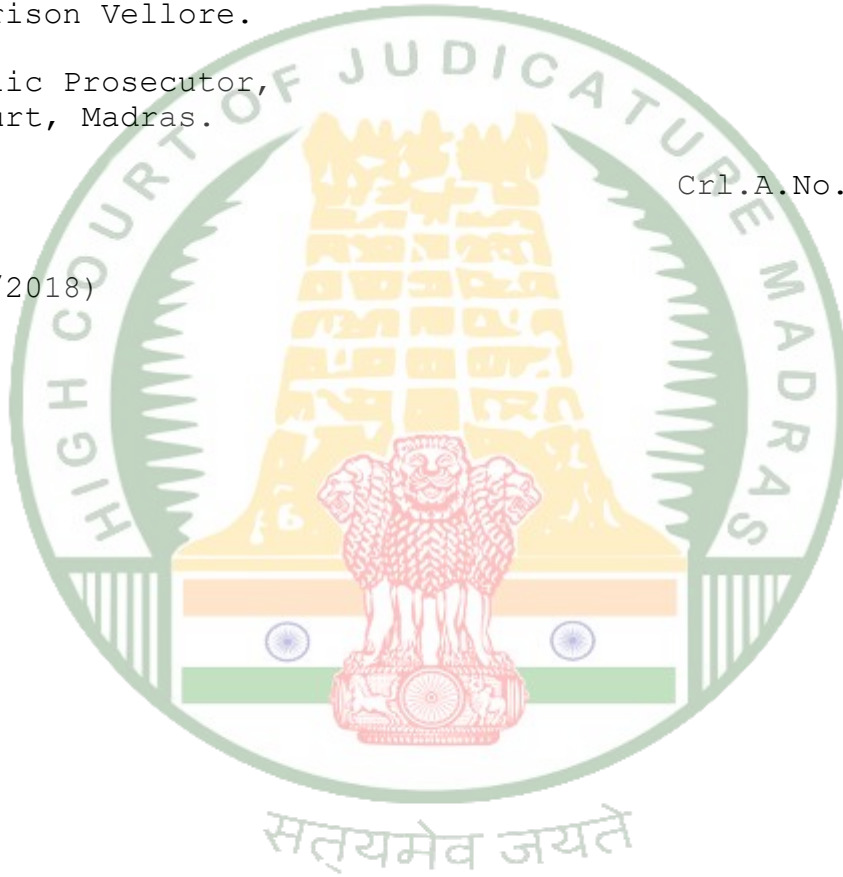
4.The Chief Judicial Magistrate,
Vellore.

5.The Jail Superintendent,
Central Prison Vellore.

6.The Public Prosecutor,
High Court, Madras.

Crl.A.No.266 of 2011

SR(CO)
GSP(28/11/2018)



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